

REMARKS

Claims 1, 3, 14, 17, 19, 20, 28, 48, and 49 are amended, claims 2, 27, and 39-47 are cancelled, and new claim 53 is added. No new matter is introduced. Claims 1, 3-26, 28-38 and 48-53 are pending in the present application. Applicants wish to thank the Examiner for allowing claims 49-52 and finding allowable subject matter in claims 8-12. Claim 49 is amended to only delete a duplicative portion and Applicants submit that amended claim 49 remains allowable. New claim 53 is generally equivalent claim 12 written in independent form, which the Examiner has indicated to be allowable. Applicants request reconsideration of the present application based on the foregoing amendments and the following remarks.

**Claim Withdrawals Under 37 C.F.R. § 1.142(b)**

Applicants wish to thank the Examiner for reinstating claims 2, 12, 20, 27, 41, and 42 for prosecution at this time. Of the claims which Applicants believe to read on Species IV, Figures 14-16, the Examiner continues to withdraw claims 3, 19, 24, and 45. Claim 45 is currently cancelled.

With respect to claim 3, the Examiner asserts that the recess 11 shown in Figure 1 is not shown in Figures 14-16. Applicants respectfully submit that the recess of claim 3 is also present in the elected Species of Figures 14-16. As stated in the specification on page 18, lines 2-3, only the differences of the embodiment of Figures 14-16 are discussed in the description of Figures 14-16. The recess 11 of Figure 1, although present in Figures 14-16, is not explicitly discussed in the description of Figures 14-16 in the interest of brevity because this description was provided with respect to Figure 1. Looking at Figures 14 and 16, the recess is formed between the projection 9 and the clamping section, which in this embodiment includes the guiding projection 12 and the latching groove 10. As more clearly seen in Figures 15 and 16, the outer wall 14 of the fluid line is partially received in this recess. Similarly, and as recognized by the Examiner, in Figure 1, the recess 11 is also formed between the projection 9 and a combination of the guide element 12 and clamping section 10. Accordingly, claim 3 reads on Species IV and Figures 14-16.

With respect to claim 19, this claim has been amended to recite, "a portion of a wall of the fluid line contiguous to the well is thicker with respect to the surrounding regions."

The portion of the wall of the fluid line that is thicker than surrounding regions is the portion that contiguous to the well 20 as seen in Figure 15. As stated in the Specification, page 12, lines 17-19, in Figure 1, the well 20 is arranged between the flat surface 18 and outer surface 19 in the region of increased wall thickness. This statement is equally true for the elected Species IV, as in Figures 15 and 16, the well 20 is arranged between a flat surface and an outer surface in the region of increased thickness. Again, in the specification, only the differences of Figures 14-16 and Figure 1 were discussed, implying that the description of the increased thickness portion for Figures 14-16 is the same as that for Figure 1. Claim 19 has been amended to more accurately claim the increased thickness, and as amended reads on the Species IV and Figures 14-16.

With respect to claim 24, the Examiner states that a partition 30 dividing the inner space is shown in Figure 13 and not in Figures 14-16. Applicants respectfully submit that Figure 15 shows the partition, which divides the inner space 15. In one example embodiment as shown in Figure 15, the partition divides the inner space into three portions. Accordingly, claim 24 reads on Species IV and Figures 14-16.

Based on the foregoing discussion, Applicants respectfully request that the Examiner reinstate claims 3, 19, and 24 for prosecution at this time.

#### **Claim Rejections Under 35 U.S.C. § 112**

The Examiner rejects claims 2, 41, and 42 for containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains. Claims 41 and 42 are currently cancelled. The features previously contained in claim 2, are incorporated in independent claim 1. Claim 1 is thus amended to recite, "the holding device having an elastic clamping section, at least partially contiguous to an outer wall of the fluid line." One of ordinary skill in the art will be enabled to make and use the features of original claim 2 provided the specification provides support for positioning a portion of the outer wall of the fluid line contiguous the clamping section and that the clamping section can be elastic. Applicants respectfully submit that these two features are enabled in the specification with respect to Figures 14-16 for the following reasons.

First, as discussed above, the specification states that the description of Figures 14-16 only includes the differences of this embodiment from that of the other Figures, including Figure 1. *See* Specification, page 18, lines 2-3. Furthermore, on page 11, lines 6-9, the Specification states, “the clamping section 10 is formed as a tongue which is elastically sprung in the direction of the projection 9.” The Examiner recognizes such enabling disclosure with respect to Figure 1; however, the Examiner states that this feature is not clearly described in the specification in such a way as to enable one skilled in the art to make and/or use the invention in the Species shown in Figures 14-16. However, since the description of Figures 14-16 does not state that the clamping section is not elastic and/or not positioned contiguous the fluid line outer wall, the description of Figure 1, which the Examiner agrees is enabling, equally applies to Figures 14-16.

Second, in Figures 14-16, the clamping section includes the projections 12, which include the latching grooves 10. In the installed state, as shown in Figure 16, which is part of the specification, the outer wall 14 of the fluid line is positioned partially between projections 9 and 12, and partially contiguous the projection 12, which forms the clamping section. Furthermore, the Brief Summary section of the Specification at page 4, lines 16-23, recites, “the holding device exhibits an elastic clamping section.” Emphasis added. This description does not limit the elasticity of the clamping section to any specific Figure. Accordingly, the features of claim 2 are also enabled based on the Brief Summary and Figure 16 of the present application.

Third, the description of Figures 14-16 states that the latching grooves 10 latch in corresponding recesses 53 of the receptacle 52 and secure the heating device 2 against unintentional removal. *See* Specification, page 19, line 28, to page 20, line 1. The description continues to recite, “[i]n the installed state the projections 12 [of the holding device 4] take on side forces which act on the heating device 2. In this way the projection 9 and the heating element 3 are secured against damage in operation.” Specification, page 20, lines 3-5. Reading this description, one of ordinary skill in the art will appreciate that the projections 12, which form the clamping section, can be elastic for the latching grooves 10 to latch in the recesses 53 and for the projections 12 to take on a force and act on the heating device 2. Furthermore, the projections 12 are positioned contiguous the outer wall 14 of the fluid line as discussed above and as shown in Figure 16.

Therefore, the features of original claim 2, now incorporated in amended claim 1, are also enabled by the explicit description of Figures 14-16, which provide an example of an interrelationship between the clamping section and the heating device 2, from which one of ordinary skill in the art will appreciate the elasticity of the clamping section can in one embodiment apply to the Species shown in Figures 14-16.

In addition, the claims and Figures are part of the specification, and original claim 2 recited the rejected features without limiting them to any particular Species.

As iterated in MPEP 2164, the standard for determining enablement is whether the specification teaches those skilled in the art how to make and use the full scope of the claimed invention without 'undue experimentation'. Applicants respectfully submit, that based on the foregoing specification recitations and the illustrations in Figures 15 and 16, one of ordinary skill in the art will not be burdened by any experimentation for positioning a portion of the outer wall of the fluid line contiguous the clamping section, which includes the projections or guide elements 12, and to form the projections 12 or the entire clamping section, such that it is elastic.

Accordingly, Applicants submit that claim 2 is in compliance with 35 U.S.C. § 112 requirements, and respectfully request that the Examiner withdraw the rejection of claim 2 for lack of enabling disclosure.

The Examiner rejects claims 17-38, 41, and 42 as being indefinite. Claims 41 and 42 are cancelled. Claim 17 is amended to recite,

“a heating device having a heating element coupled to a holding device via a projection adapted to receive the heating element; and an outer wall having a well and at least one well wall contiguous to the inner space and configured to receive the heating element via the projection, the projection being adapted to be inserted in the well, the holding device having at least one guide element by which the heating device can be guided when coupling to the fluid line.”

Applicants submit that amended claim 17 is now in congruence with Figures 14-16, and respectfully request that the Examiner withdraw the indefiniteness rejection pending against claim 17.

With respect to claim 20, the Examiner states that the wall opening being substantially radially parallel to the tubular line section does not make sense given the context. However, claim 20 does not state “wall opening”; rather, it recites, “well opening”. To provide a clearer reference for “radially”, claim 20 is amended to recite, “a well opening is substantially radially parallel to the outer wall of the fluid line.” Accordingly, claim 20 is not indefinite, and Applicants respectfully request withdrawal of the pending indefiniteness rejection against claim 20.

The Examiner did not provide any reasoning for rejecting claims 18, 19, and 21-38 for indefiniteness. Accordingly, Applicants infer that these claims were rejected for depending from independent claim 17, which was rejected for being indefinite. Since claim 17 is now in compliance with the definiteness requirement of 35 U.S.C. § 112, second paragraph, Applicants respectfully submit that claims 18, 19, and 21-38 also comply with the definiteness requirement.

#### **Claim Rejections Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 1, 4-7, 13-18, 20, 22, 25, 33, 37, 39-42, 44, and 46 as being obvious over U.S. Patent No. 6,442,341, to Wu in view of U.S. Patent No. 6,804,459, to Raghavan et al. The Examiner indicated that claims 2 and 27 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

Applicants submit that amended claim 1 is generally original claim 2 written in independent form. Furthermore, as elaborated above, the features of original claim 2, now incorporated in amended claim 1, are in compliance with 35 U.S.C. § 112. Accordingly, claim 1, and claims 3-6 and 8-13, which are dependent from claim 1, are allowable.

Claim 14 is amended to incorporate the features of claim 8, which the Examiner has indicated to be allowable. Accordingly, claim 14, and claims 15 and 16, which are dependent therefrom, are allowable.

Furthermore, amended claim 17 is generally claim 27 written in independent form. Furthermore, claim 17 is amended and is placed in compliance with 35 U.S.C. § 112, as discussed above. Accordingly, claim 17 and claims 18-26, 27-38, and 48, which are dependent from claim 17, are allowable.

In the interest of brevity, further arguments in support of the dependent claims on their own merits are not made here because these claims are allowable for being dependent from corresponding independent claims, which are allowable as discussed above. Applicants reserve the right to make such arguments at a later time, as Applicants deem necessary.

Applicants respectfully submit that the present application is placed in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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